

350 Mount Kemble Avenue
P.O. Box 1917
Morristown, New Jersey 07962
phone: 973-267-0058
fax: 973-267-6442
www.cmg.law



Wall Street Plaza
88 Pine Street, 28th Floor
New York, New York 10005
phone: 212-483-0105
fax: 212-480-3899

Vincent J. Proto, Esq.
Direct: (973) 631-6058
Email: vproto@cmg.law

June 3, 2025


VIA ECF

Plaintiff is directed to submit its response, if any, to the motion for jurisdictional discovery by **June 8, 2025**.

Hon. Jennifer L. Rochon, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 1920
New York, NY 10007

Date: June 5, 2025
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge

Re: 4533 Third Ave LLC v. United States Liability Insurance Company
Civil Action No. 1:25-cv-3823-JLR

Dear Judge Rochon:

We are writing on behalf of Defendant United States Liability Insurance Company (“USLI”) in response to Your Honor’s May 27, 2025 Order.

Pursuant to the May 27, 2025 Order, the Court directed USLI to file a letter by today “(1) confirming whether each of the trusts is a traditional or nontraditional trust, (2) informing the Court of the citizenship of the trusts’ trustees (if a traditional trust) or their members (if a nontraditional trust), and (3) informing the Court of the citizenship of the individual LLC members.”

As such information is in Plaintiff’s possession, I emailed Plaintiff’s counsel on May 28, 2025 and earlier today, requesting that he provide the information encompassed by the Court’s Order. Plaintiff’s counsel has not responded to my emails.

Under the circumstances, USLI requests permission to conduct jurisdictional discovery, limited to document requests and interrogatories, to obtain from Plaintiff the information set forth in the Court’s May 27, 2025 Order. *See Health & Happiness Int’l Holdings Ltd. v. Stoltze Specialty Processing, LLC*, No. 1:22-cv-10380 (JLR), 2022 U.S. Dist. LEXIS 228070 (S.D.N.Y. Dec. 19, 2022) (permitting limited jurisdictional discovery as to the identity and citizenship of defendant’s members). *See also Platinum-Montaur Life Sciences LLC v. Navidea Biopharmaceuticals, Inc.*, 943 F.3d 613, 617-18 (2d Cir. 2019) (“a district court has discretion to order jurisdictional discovery in a removal case with improperly pleaded citizenship”). We submit that such jurisdictional discovery is warranted because (a) the information submitted to the Court to date indicates that complete diversity does exist between Plaintiff and USLI, (b) USLI anticipates that the outstanding information, once provided,



Hon. Jennifer L. Rochon, U.S.D.J.

June 3, 2025

Page 2

will confirm that complete diversity exists, and (c) USLI has acted expeditiously and in good faith to obtain such information and to present it to the Court.

USLI is prepared to proceed promptly with serving discovery demands on Plaintiff to obtain the outstanding information.

We greatly appreciate Your Honor's courtesies in this regard and are available to respond to any inquiries from the Court.

Respectfully submitted,

/s/Vincent J. Proto

VINCENT J. PROTO

VJP/cc

cc: Johnathan C. Lerner, Esq. (via ECF)